

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

DAVID BAUMGARTNER,

Plaintiff,

v.

MARSHALL THOMAS, *et al.*,

Defendants.

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Civil Action No. 7:22-cv-00081-O-BP

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. No objections were filed, and the Magistrate Judge's Recommendation is ripe for review. The District Judge reviewed the proposed Findings, Conclusions, and Recommendation for plain error. Finding none, the undersigned District Judge believes that the Findings and Conclusions of the Magistrate Judge are correct, and they are accepted as the Findings and Conclusions of the Court.

Accordingly, it is **ORDERED** that Defendant's Motion to Dismiss (ECF No. 8) is **GRANTED**. Plaintiff's claims under federal law are dismissed with prejudice and his claims asserting violations of Texas law are dismissed without prejudice.

**SO ORDERED** on this **22nd** day of **May, 2023**.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE